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FILED
JUN - 6 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY MB DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Pablo Jesus BODART-Araiza, Defendant.	Magistrate Case No.: 08 MJ 8514 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about June 5, 2008, within the Southern District of California, defendant Pablo Jesus BODART-Araiza did knowingly and intentionally import approximately 26.24 kilograms (57.73 pounds) of Cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Thomas E Bl

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF JUNE, 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Pablo Jesus BODART-Araiza

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to US Immigration and Customs Enforcement Special Agent Behm.

On June 5, 2008 at approximately 1045 hours, Pablo Jesus BODART-Araiza entered the United States at the Calexico, California, West, Port of Entry. BODART was the driver and sole occupant of a 1997 Toyota 4 runner. Customs and Border Protection Officer (CBPO) L. Rodriguez received a negative oral Customs declaration. The primary inspector noticed that BODART's hands were trembling and he was shifting in his seat.

CBPO C. Randolph performed a canine inspection of the vehicle. The canine alerted and responded to the roof.

A subsequent inspection of the vehicle revealed several packages in a specially built non-factory compartment under the rear seat. CBPO H. Flores probed one of the packages and a sample of a white powdery substance was obtained, which field tested positive for cocaine. A total of 22 packages were removed with a combined gross weight of approximately 26.24 kilograms (57.73 pounds).

BODART was placed under arrest and advised of his Constitutional Rights, by Immigration and Customs Enforcement Special Agent (SA) T. Behm. BODART acknowledged and waived his rights, agreeing to answer questions. BODART stated that he was told the vehicle contained marijuana and he was to be paid $2000.00 to smuggle the marijuana into the US.

BODART was booked into the Imperial County Jail pending his initial appearance before a U.S. Magistrate Judge.